

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| DENNIS LEE FRAMPTON, |) | CASE NO. 1:13CV2295 |
| |) | |
| PLAINTIFF, |) | JUDGE SARA LIOI |
| |) | |
| vs. |) | MEMORANDUM OPINION |
| |) | |
| CAROLYN W. COLVIN, Acting |) | |
| Commissioner of Social Security, |) | |
| |) | |
| DEFENDANT. |) | |

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [. . .]

28 U.S.C. § 636(b)(1)(C).

The R&R was filed on September 17, 2014. Under Fed. R. Civ. P. 6(d), an additional three days are added when computing service. Therefore, objections were not due until October 4, 2014, which fell on a Saturday. Under Rule 6(a)(1)(C), that extended the filing deadline to October 6, 2014.

No objections were filed on or before that deadline, and no extension of time was sought. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the

report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. Accordingly, the Court concludes that the Commissioner's decision denying plaintiff's claim for a period of disability and for disability insurance benefits was supported by substantial evidence and must be **AFFIRMED**.

IT IS SO ORDERED.

Dated: October 16, 2014



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE